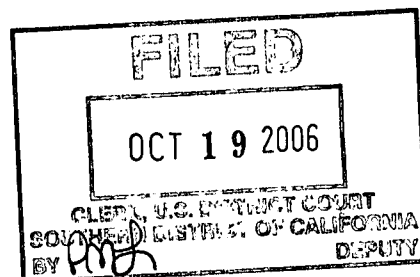


CAROL C. LAM  
United States Attorney  
REBEKAH W. YOUNG  
Assistant United States Attorney  
California State Bar No. 214859  
United States Attorney's Office  
Federal Office Building  
880 Front Street, Room 6293  
San Diego, California 92101  
Telephone: (619) 557-7179

Attorneys for Plaintiff  
UNITED STATES OF AMERICA



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
SEGUNDO CAMACHO-FUENTES, )  
 )  
Defendant. )

Magistrate Case No. 06MG1821

**STIPULATION OF FACT AND JOINT  
MOTION FOR RELEASE OF  
MATERIAL WITNESS(ES) AND  
ORDER THEREON**

(Pre-Indictment Fast-Track Program)

**IT IS HEREBY STIPULATED AND AGREED** between the plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Carol C. Lam, United States Attorney, and Rebekah W. Young, Assistant United States Attorney, and defendant SEGUNDO CAMACHO-FUENTES, by and through and with the advice and consent of defense counsel, Joseph Milchen, Esq., that:

1. Defendant agrees to execute this stipulation on or before the first preliminary hearing date and to participate in a full and complete inquiry by the Court into whether defendant knowingly, intelligently and voluntarily entered into it. Defendant agrees further to waive indictment and plead guilty to the pre-indictment information charging defendant with a non-mandatory minimum count of Transportation of Aliens and Aiding and Abetting, in violation of 8 U.S.C. §1324(a)(1)(A)(ii) and (v)(II).

//

//

1           2.     Defendant acknowledges receipt of a plea agreement in this case and agrees to  
2 provide the signed, original plea agreement to the Government not later than five business days  
3 before the disposition date set by the Court.

4           3.     Defendant agrees to plead guilty to the charge pursuant to the plea agreement on or  
5 before **November 3, 2006**.

6           4.     The material witnesses, Rigoberto Gomez-Romo, Oscar Reyes-Cruz and Omar  
7 Garcia-Arraiza, in this case:

8               a.     Are aliens with no lawful right to enter or remain in the United States;

9               b.     Entered or attempted to enter the United States illegally on or about  
10 October 1, 2006;

11              c.     Were found in a vehicle driven by defendant on Kitchen Creek Road in  
12 Campo, California and that defendant knew or acted in reckless disregard of the fact that they were  
13 aliens with no lawful right to enter or remain in the United States;

14              d.     Were paying having others pay on their behalf \$1700 to 2500 to others to be  
15 brought into the United States illegally and/or transported illegally to their destination therein; and,

16              e.     May be released and remanded immediately to the Department of Homeland  
17 Security for return to their country of origin.

18           5.     After the material witnesses are ordered released by the Court pursuant to this  
19 stipulation and joint motion, if defendant does not plead guilty to the charge set forth above, for any  
20 reason, or thereafter withdraws his guilty plea to that charge, defendant agrees that in any  
21 proceeding, including, but not limited to, motion hearings, trial, sentencing, appeal or collateral  
22 attack, that:

23              a.     The stipulated facts set forth in paragraph 4 above shall be admitted as  
24 substantive evidence;

25              b.     The United States may elicit hearsay testimony from arresting agents  
26 regarding any statements made by the material witness(es) provided in discovery, and such  
27 testimony shall be admitted as substantive evidence under Fed. R. Evid. 804(b)(3) as statements

1 against interest of (an) unavailable witness(es); and,

2 c. Understanding that under Crawford v. Washington, 124 S. Ct. 1354 (2004),  
3 "testimonial" hearsay statements are not admissible against a defendant unless defendant confronted  
4 and cross-examined the witness(es) who made the "testimonial" hearsay statements, defendant  
5 waives the right to confront and cross-examine the material witness(es) in this case.

6 6. By signing this stipulation and joint motion, defendant certifies that defendant has  
7 read it (or that it has been read to defendant in defendant's native language). Defendant certifies  
8 further that defendant has discussed the terms of this stipulation and joint motion with defense  
9 counsel and fully understands its meaning and effect.

10 Based on the foregoing, the parties jointly move the stipulation into evidence and for the  
11 immediate release and remand of the above-named material witness(es) to the Department of  
12 Homeland Security for return to their country of origin.

13 It is STIPULATED AND AGREED this date.

14 Respectfully submitted,

15 CAROL C. LAM  
16 United States Attorney

17 Dated: 10/13/06.

Rebekah W. Young  
18 REBEKAH W. YOUNG  
19 Assistant United States Attorney

20 Dated: 10-12-06.

Joseph Milchen  
21 JOSEPH MILCHEN  
22 Defense Counsel for CAMACHO-FUENTES

23 Dated: 10-12-06.

Segundo Camacho-Fuentes  
24 SEGUNDO CAMACHO-FUENTES  
25 Defendant  
26  
27  
28

**ORDER**

Upon joint application and motion of the parties, and for good cause shown,

**THE STIPULATION** is admitted into evidence, and,

**IT IS ORDERED** that the above-named material witness(es) be released and remanded forthwith to the Department of Homeland Security for return to their country of origin.

**SO ORDERED.**

Dated: 10/19/06.

  
United States Magistrate Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )

Plaintiff )

vs. )

Segundo Camacho-Fuentes )

Defendant(s) )

CRIMINAL NO. 06MG1821

ORDER

RELEASING MATERIAL WITNESS

Booking No.

On order of the United States District Magistrate Judge,

**Leo S. Papas**

IT IS HEREBY ORDERED that the following named person heretofore  
committed to the custody of the United States Marshal as a material witness be  
released from custody: (Bond Posted / Case Disposed Order of Court).

Rigoberto Gomez-Ramo

DATED: 10/19/06

**Leo S. Papas**

UNITED STATES DISTRICT/MAGISTRATE JUDGE

RECEIVED

DUSM

OR

W. SAMUEL HAMRICK, JR. Clerk

by

P. M. Loog  
Deputy Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )

Plaintiff )

vs. )

Segundo Amacho-Fuentes )

Defendant(s) )

CRIMINAL NO. 06MG1821

ORDER

RELEASING MATERIAL WITNESS

Booking No.

On order of the United States District Magistrate Judge,

**Leo S. Papas**

IT IS HEREBY ORDERED that the following named person heretofore  
committed to the custody of the United States Marshal as a material witness be  
released from custody: (Bond Posted / Case Disposed / Order of Court).

OSCAR REYES - CRUZ

DATED: 10/19/06

**Leo S. Papas**

UNITED STATES DISTRICT/MAGISTRATE JUDGE

RECEIVED

DUSM

OR

W. SAMUEL HAMRICK, JR. Clerk

by

P. M. Hoag  
Deputy Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff

vs.

Segundo Cumacho-Fuentes

Defendant(s)

CRIMINAL NO. 06MG1821

ORDER

RELEASING MATERIAL WITNESS

Booking No.

On order of the United States District Magistrate Judge,

**Leo S. Papas**

IT IS HEREBY ORDERED that the following named person heretofore  
committed to the custody of the United States Marshal as a material witness be  
released from custody: (Bond Posted / Case Disposed / Order of Court).

UMAR GARCIA - ARRAIZA

DATED: 10/19/06

**Leo S. Papas**

UNITED STATES DISTRICT/MAGISTRATE JUDGE

RECEIVED

DUSM

OR

W. SAMUEL HAMRICK, JR. Clerk

by

P.M. Lopez  
Deputy Clerk